

Message Text

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ARA/CAR:THEAVNER

L - M. FELDMAN

EB/IFD - D. STEBBING

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R 162033Z JUL 76

FM SECSTATE WASHDC

TO AMEMBASSY PORT AU PRINCE

C O N F I D E N T I A L STATE 176852

E.O. 11652: GDS

TAGS: EINV, HA

SUBJECT:TRANSLINEAR/DCI CLAIMS

1. EXPROPRIATION WORKING GROUP MET FRIDAY, JUNE 25, ON
SUBJECT CLAIMS. DEPT. OFFICERS EXPLAINED STATUS OF
CASE AND STRATEGY DEVELOPED WITH AMBASSADOR ISHAM DURING
HIS RECENT VISIT. STRATEGY WOULD INVOLVE (A) INITIAL
DEPT. CONSIDERATION OF CLAIMS ON THE MERITS, (B) ADVISING
COMPANIES OF OUR PRELIMINARY CONCLUSIONS AND OF OUR
WILLINGNESS TO ASSIST IN PURSUING CLAIMS TO THE EXTENT
WE CONSIDER THEM VALID, AND (C) AN INVITATION TO THE
COMPANIES TO MAKE A FORMAL REQUEST FOR ESPOUSAL OF THEIR
CLAIMS IF THEY SHOULD INDICATE THAT THEY ARE NOT
SATISFIED WITH THE PROGRESS OF THEIR CLAIMS. SUCH A
REQUEST WOULD BE REVIEWED BY THE ASSISTANT LEGAL ADVISER
FOR CLAIMS AND A FORMAL DETERMINATION MADE AS TO WHETHER
EITHER COMPANY HAS A CLAIM RECOGNIZED AS VALID UNDER
INTERNATIONAL LAW. THIS APPROACH WAS WELL RECEIVED BY
ENTIRE GROUP. THEY EMPHASIZED, HOWEVER, THE NEED TO
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PURSUE THIS APPROACH PROMPTLY.

2. DURING MEETING POSSIBILITY OF A DEPT. LAWYER VISITING
HAITI TO LOOK INTO TECHNICAL ASPECTS OF CLAIMS WAS DIS-

CUSSED, AND DEEMED DESIRABLE. IN CONNECTION WITH SUCH
A VISIT WE WOULD AGAIN ENDEAVOR PERSUADE THE GOH TO PRO-
VIDE A REASONED ANALYSIS OF THE MATTER TO ASSIST US IN
MAKING A JUDGMENT.

3. AT THIS POINT, WE ARE UNABLE TO PREDICT WHEN SUCH A
VISIT MIGHT BE POSSIBLE IN VIEW OF PROBLEMS ARISING
FROM VACATIONS, SHIFTS OF PERSONNEL, ETC. WE WILL ADVISE
EMBASSY AS SOON AS SITUATION CLARIFIES WITH A VIEW
TOWARD ESTABLISHING DATES FOR VISIT CONVENIENT TO YOU.
DEPT. WILL PROVIDE EMBASSY WITH OUTLINE OF SPECIFIC PUR-
POSES OF TRIP FOR USE IN DISCUSSIONS WITH HAITIAN
OFFICIALS PRIOR TO VISIT. KISSINGER

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